

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,
PENNSYLVANIA

CHRISTINE BIROS,

Case No. 17 CJ 04886

Plaintiff,

vs.

U LOCK INC.'S RESPONSE
AND OBJECTIONS TO THE
EXHIBITS FILED BY
CHRISTINE BIROS

U LOCK INC.

Defendant.

Filed on behalf of:

U LOCK INC., Defendant.

Counsel of record for this party:

J. Allen Roth, Esq. (PA 30347)
805 S. Alexandria
Latrobe PA 15650
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lawmatters@yahoo.com

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WESTMORELAND COUNTY

2022 MAY 19 A 10:09

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GINA O'BARTO
TIME IN

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,
PENNSYLVANIA

CHRISTINE BIROS,)	Case No. 17 CJ 04886
)	
Plaintiff,)	
)	
vs.)	
)	
U LOCK INC.,)	
)	
Defendant.)	

DEFENDANT U LOCK INC.'S RESPONSE AND OBJECTIONS TO THE EXHIBITS
FILED BY CHRISTINE BIROS

Defendant U Lock Inc., by and through its counsel, J. Allen Roth, submits this, its
Response to the Exhibits Filed by Christine Biros:

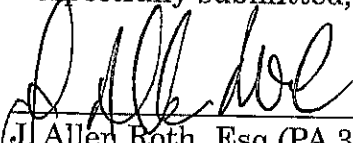
1. On May 5, 2022, counsel for Christine Biros served a letter along with exhibits. In that letter, counsel asks this Court for leave to discuss other matters as well. In addition, counsel followed up with a letter stating he would present this "evidence" on May 20, 2022.
2. Based on information received by email on May 12, 2022, from Shanni Snyder, a non party in this action, a petition for bankruptcy was filed in April 2022 against Defendant. Pursuant to federal bankruptcy law an automatic stay prevents U Lock from lawfully moving forward. U Lock separately filed a Notice of Bankruptcy.
3. While the petition was involuntary, meaning U Lock did not file it, the statute regarding automatic stays, 11 USC 362(a) includes involuntary petitions filed under 11 USC 303.

4. In addition to jurisdictional issues already pointed out at the hearing, including the status of the Supreme Court of Pennsylvania case, if this Court chooses to nevertheless proceed, U Lock also objects to the sanctions motion for the reasons stated in its brief.
5. U Lock suggests that if this Court were inclined to grant counsel fees for U Lock simply preserving the issue for appeal, then actually appealing a legal issue that this Court (and the appeals courts) never reached the merits of and simply said was not relevant, the fees attributed to the issue seem excessive. Most of the highlighted occurrences had nothing to do with the issue.
6. Counsel for the Plaintiff appears to have spent much more time on the issue than was warranted.
7. Moreover the charges listed on the invoices appear to combine the other issues not just the defense of unclean hands. This Court should recall that it denied the vast majority of Biros' preliminary objections.
8. As to counsel's argument that he can take action against discharged alleged debts because they were not included in the schedules lacks merit. The fact that the debt was not included in the petition does not eliminate its discharge. *Judd v. Wolfe*, 78 F3d 110 (3d Cir. 1996) ("The plain language of section 523(a)(3) represents a congressional policy choice. Clearly, Congress could have exempted from the debtor's discharge, pursuant to sections 727(b) and 523, debts that were omitted intentionally, rather than merely inadvertently, from the debtor's schedules. Congress chose not to do so"); *In*

re Beezley, 994 F.2d 1433 (9th Cir. 1993). Plaintiff cites no case to the contrary.¹

WHEREFORE, to the extent this Court maintains jurisdiction, Defendant U Lock respectfully requests that this Court deny the motion for sanctions.

Respectfully submitted,



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ATTORNEY FOR U LOCK INC.

¹ Counsel did not list the alleged debt in the schedules because Plaintiff never claimed something was owed prior to 2022. Indeed, this present motion for sanctions is time barred regardless how the matter is looked at.

CERTIFICATE OF SERVICE

I certify that I mailed a true copy of the foregoing to the following parties on this

18th day of May, 2022:

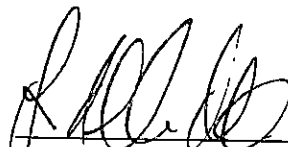
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